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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHANIE ENYART,

Plaintiff,

v.

NATIONAL CONFERENCE OF BAR
EXAMINERS, INC., ACT, INC., AND THE
STATE BAR OF CALIFORNIA,

Defendants.

Case No. C09-05191 CRB

**STIPULATION REGARDING
DISMISSAL WITHOUT PREJUDICE
OF DEFENDANT STATE BAR OF
CALIFORNIA; [PROPOSED] ORDER
THEREON**

Whereas, the State Bar of California was named as a defendant in the above-referenced action; and

Whereas, the State Bar of California administers the Multistate Bar Examination ("MBE") as a component of the California Bar Examination but is constrained regarding the formats in which it may administer the MBE by the National Conference of Bar Examiners ("NCBE"), which develops and distributes the MBE and establishes the formats in which it is made available; and

Whereas, Plaintiff has requested to read all sections of the February 2010 California Bar Examination, including the MBE, on a laptop computer equipped with assistive software, specifically JAWS for Windows screen reading program and ZoomText screen magnification program, as an accommodation for her visual disability; and

Whereas, Plaintiff requested the same accommodation on all sections of the July 2009 California Bar Examination; and

Whereas, the State Bar of California granted Plaintiff's request for accommodations on the portions of the July 2009 California Bar Examination over which the State Bar of California retains complete control, namely the California Essay Exam and the California Performance Test; and

Whereas, the State Bar of California will grant Plaintiff's request for the same accommodations on the portions of the February 2010 California Bar Examination over which

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1 the State Bar of California retains complete control, namely the California Essay Exam and the
2 California Performance Test; and

3 Whereas, the State Bar of California was unable to grant Plaintiff's requested
4 accommodations on the MBE portion of the July 2009 California Bar Examination because
5 NCBE did not provide the MBE questions on a computer equipped with both JAWS and
6 ZoomText; and

7 Whereas, the State Bar of California agrees to furnish the accommodations requested by
8 Plaintiff on the MBE portion of the February 2010 California bar examination if permitted to do
9 so by NCBE or if the Court in this action determines that such an accommodation is required;
10 and

11 Whereas, NCBE agrees that the decision to supply the MBE on a computer equipped
12 with both JAWS and ZoomText rests with NCBE and not the State Bar of California;

13 The undersigned parties, by and through their counsel of record, hereby request that the
14 Court order as follows:

- 15
- 16 1. That the State Bar of California is dismissed, without prejudice, as a
- 17 defendant in this action; and
- 18 2. That the State Bar will abide by the final determination of the Court,
- 19 including any injunctive relief, if granted, regarding accommodations which
- 20 Plaintiff seeks on the MBE portion of the February 2010 California Bar
- 21 Examination and/or any subsequent administrations of the California Bar
- 22 examination.

23 IT IS SO STIPULATED.

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1 Dated: December 7, 2009

KERR & WAGSTAFFE LLP

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4 Jim Wagstaffe (95535)
Attorneys for STATE BAR OF CALIFORNIA

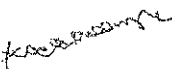
5 Dated: December 9, 2009

COOLEY GODWARD KRONISH LLP

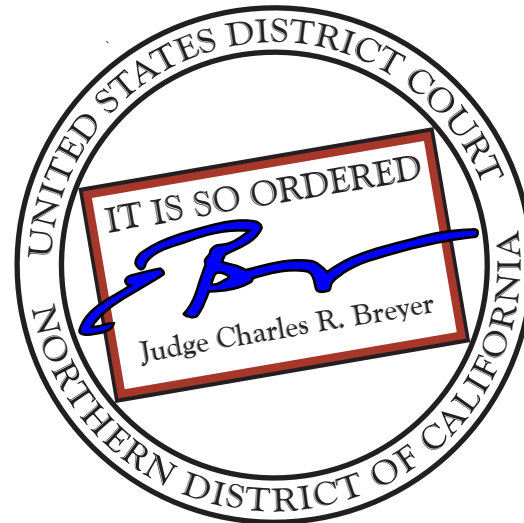
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8 Gregory C. Tenhoff (154553)
Attorneys for NATIONAL CONFERENCE OF
9 BAR EXAMINERS, INC.

10 Dated: December 4, 2009

DISABILITY RIGHTS ADVOCATES

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13 Karla Gilbride
Attorneys for STEPHANIE ENYART
On behalf of all counsel for Ms. Enyart

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16 Signed: December 14, 2009



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Enyart v. National Conference of Bar Examiners (NCBE), Case No.: C09-05191
STIPULATION REGARDING DISMISSAL WITHOUT PREJUDICE OF DEFENDANT STATE BAR OF
CALIFORNIA; [PROPOSED] ORDER THEREON